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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,872	09/05/2003	David K. Platner	60,130-1720/03MRA0168	8096
26096	7590	11/26/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			WILLIAMS, THOMAS J	
		ART UNIT	PAPER NUMBER	
		3683		

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,872	PLATNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas J. Williams	3683	(M)

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 July 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,3-6,8-20 and 24-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 24 and 25 is/are allowed.

6)  Claim(s) 1,3-6,8-11,15-18 and 26-33 is/are rejected.

7)  Claim(s) 12-14,19 and 20 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed July 6, 2004.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 26-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter is not specifically discussed in the originally filed specification.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-6, 8, 9, 11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,945,625 to Duchemin.

Re-claim 1, Duchemin discloses a composite leaf spring (the spring of Duchemin is a laminated spring) comprising: a forward segment (as seen along cross section 4-4) comprising an arcuate segment extending therefrom (figure 6); a rearward segment (interpreted as the tip at 4), the forward segment is thicker in depth than the rearward segment; a mounting segment 2

includes a tapering width and expanding depth, the mounting segment has a singular cross-sectional shape.

Re-claims 3-6, 30, and 31, see figures 1, 2 and 6.

Re-claims 26 and 28, the forward segment (section 4-4) is thinner in width than the rearward segment, when the rearward segment is interpreted as being the segment prior to cutout 5. This segment is thinner in depth than segment 4-4. The segment sections in the instant invention are not clearly defined.

Re-claim 8, Duchemin discloses a suspension system, comprising: composite leaf spring comprising a forward segment (as seen along cross section 4-4) comprising an arcuate segment extending therefrom (figure 6); a rearward segment (interpreted as the tip at 4), the forward segment is thicker in depth than the rearward segment; a mounting segment 2 includes a tapering width and expanding depth, the mounting segment has a singular cross-sectional shape, a retaining pin engages the arcuate segment.

Re-claims 9, 11 and 15, a resilient tube 8 surrounds the pin.

6. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,580,347 to McGee.

Re-claim 17, McGee discloses a suspension system, comprising: composite leaf spring 22 comprising a forward segment (at 37) comprising an arcuate segment extending therefrom; a rearward segment (interpreted as the tip at 40), the forward segment is thicker in depth than the rearward segment (as illustrated in figure 2); a bracket receives the arcuate segment; a retaining pin is attached to the bracket.

Re-claim 18, the retaining pin has a threaded fastener, illustrated as a nut.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10, 16, 17, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duchemin in view of McGee.

Re-claims 10 and 16, Duchemin fails to illustrate the mounts for the leaf spring. McGee teaches a leaf spring mounted to a vehicle body using C-shaped brackets and threaded pins. It would have been obvious to one of ordinary skill in the art to have utilized the teachings of McGee regarding the mounting means when having mounted the leaf spring of Duchemin on a vehicle body structure, thus providing a known method of mounting the leaf spring.

Re-claims 17, 32 and 33, Duchemin teaches the claimed composite leaf spring. However, Duchemin fails to teach the use of a bracket for mounting the leaf spring. McGee teaches mounting a leaf spring to a vehicle body by using a bracket. It would have been obvious to one of ordinary skill in the art to have utilized the teachings of McGee regarding the mounting means when having mounted the leaf spring of Duchemin on a vehicle body structure, thus providing a known method of mounting the leaf spring.

***Response to Arguments***

9. Applicant's arguments filed July 6, 2004 have been fully considered but they are not persuasive. Claim 17 does not recite the specific structure of the mounting segment, only

dependent claims 32 and 33 recite this structure. As such the rejection of claim 17 in view of McGee is deemed proper.

10. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

11. Claims 24 and 25 are allowed.

12. Claims 12-14 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3683

14. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

November 22, 2004

THOMAS WILLIAMS  
PATENT EXAMINER

Thomas Williams  
AU 3683  
11/22/04